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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,625

09/25/2003

Daniel Triplett

480062002000

6736

25224 7590 02/05/2007  
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EXAMINER

MCCORKLE, MELISSA A

ART UNIT

PAPER NUMBER

3763

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,625	<b>Applicant(s)</b> TRIPLETT ET AL.	
	<b>Examiner</b> Melissa A. McCorkle	<b>Art Unit</b> 3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                         |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/25/03-12/13/06</u> | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 12-14 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/22/2006.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (5,395,316). Martin discloses a proximal insert for a coaxial catheter, comprising a body having a proximal end and a distal end, comprising a first passageway extending from a first opening to a second opening and configured to receive an inner lumen of said coaxial catheter, a shoulder on an outer surface of said distal end, positioned proximate said first opening, wherein said shoulder is configured to abut a wall of an outer lumen of said coaxial catheter, a shoulder on an outer surface of said distal end, positioned proximate said first opening, wherein said should is configured to abut a wall of an outer lumen of said coaxial catheter, and a second passageway extending from said first passageway to a third opening; wherein said second passageway forms an angle with said first passageway in the range of approximately 15 degrees to 60 degrees (see column 4 lines 42-53.)

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4. Martin discloses the insert comprised of plastic (column 5 line 31-33.) Martin discloses the device wherein an outer surface distal of said shoulder is tapered (figure 1), and he discloses the device wherein said first passageway has a smaller diameter proximal to the point at which said second passageway connects thereto (fig 1) and wherein a diameter of said second passageway increases at a point adjacent said third opening. He discloses the device further comprising a second shoulder on an outer surface of said proximal end positioned proximate said third opening, wherein said second shoulder is configured to abut a wall of an extension tube.

5. Martin discloses a multi-lumen catheter comprising a coaxial catheter comprising at least two lumens, at least two extension tubes, and an insert positioned between said catheter and said tubes, comprising a body having a proximal end and a distal end comprising a first passageway extending from a first opening to a second opening and configured to receive an inner lumen of said coaxial catheter, a shoulder on an outer surface of said distal end, positioned proximate said first opening, wherein said shoulder is configured to abut a wall of an outer lumen of said coaxial catheter, a shoulder on an outer surface of said distal end, positioned proximate said first opening, wherein said shoulder is configured to abut a wall of an outer lumen of said coaxial catheter, and a second passageway extending from said first passageway to a third opening; wherein said inner lumen of said coaxial catheter is positioned within said first passageway of said body and said distal end of said body is positioned within said outer lumen of said coaxial catheter, said shoulder abutting a wall thereof, wherein a first of said extension leg tubes is connected to said inner lumen of said coaxial catheter and a second of said

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extension tubes is connected to said second opening of said body, further comprising a hub molded over a proximal end of said coaxial catheter and said body, wherein said body is completely encapsulated by said hub (see figure 10 and col 5 line 52-col 6 line 5).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa A. McCorkle whose telephone number is (571) 272-2773. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Lucchesi can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Melissa A McCorkle